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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,653	10/09/2003	Mark E. Keeton	11080.00	8248

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EXAMINER

SHEWAREGED, BETELHEM

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,653

Applicant(s)

KEETON ET AL.

Examiner

Betelhem Shewareged

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/09/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umise et al. (US 4,985,292) in view of Obringer et al. (US 6,166,755).

Umise discloses a thermal transfer recording sheet comprising a base film and an ink layer on the base film, wherein the recording sheet further comprises an end mark comprising a light reflective ink (abstract). With respect to the area or the length of the end mark, it would have been an obvious matter of design choice to provide the claimed area and length of the end mark, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ237 (CCPA 1955).

With respect to claim 6, Umise does not disclose a trailer in the thermal transfer recording sheet. However, at the time of the invention, it would have been obvious to person of ordinary skill in the art to have a trailer in a thermal transfer ribbon for detection of the end of the thermal transfer ribbon by sensors in thermal transfer printer. See Obringer et al. US 6,166,755.

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3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidich (US 2,174,351).

Neidich discloses a typewriter ribbon comprising a strip of paper coated with an ink layer (col. 2, line 8). A signal is located at some distance from an end thereof (col. 2, line 26). The signal consists of a coating material that reflects light (col. 2, line 47). With respect to the area or the length of the signal, it would have been an obvious matter of design choice to provide the claimed area and length of the signal, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ237 (CCPA 1955).

With respect to claim 6, Neidich does not disclose a trailer in the thermal transfer recording sheet. However, at the time of the invention, it would have been obvious to person of ordinary skill in the art to have a trailer in a thermal transfer ribbon for detection of the end of the thermal transfer ribbon by sensors in thermal transfer printer. See Obringer et al. US 6,166,755.

4. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimaki et al. (US 5,721,058).

Fujimaki discloses a sensor mark transfer ribbon comprising a film base and a thermal transfer ink layer on the film base (col. 2, line 63). An end sensor mark is provided on the surface of the ink layer (col. 6, line 21). With respect to the area or the length of the end mark, it would have been an obvious matter of design choice to provide the claimed area and length of the end mark, since such a modification would

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have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ237 (CCPA 1955).

With respect to claim 6, Fujimaki does not disclose a trailer in the thermal transfer recording sheet. However, at the time of the invention it would have been obvious to person of ordinary skill in the art to have a trailer in a thermal transfer ribbon for detection of the end of the thermal transfer ribbon by sensors in thermal transfer printer. See Obringer et al. US 6,166,755.

Allowable Subject Matter

5. Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above prior arts do not teach a transparent trailer as recited in the claimed invention.

6. Claims 12-17 are allowed. The above prior arts do not teach a transparent trailer as recited in the claimed invention.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Betelhem Shewareged
March 17, 2005.